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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/058,084      | 01/29/2002  | Hideo Ando           | 218878US2S          | 2513             |

22850 7590 03/25/2005

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EXAMINER

TRAN, THANG V

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2653     |              |

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/058,084

Applicant(s)

ANDO ET AL.

Examiner

Thang V. Tran

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2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-9 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8,9,13,16,19 and 20 is/are allowed.
- 6) ☒ Claim(s) 12,14,15 and 17 is/are rejected.
- 7) ☒ Claim(s) 7 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

The amendment dated 10/13/04 has been considered with the following results:

***Claims Objections-37 CFR 1.75***

1. Claims 7 and 18 are objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 18:

Claim 18 recites an information storage medium, but the information provided therein is apparently directed to an intended use of the recording medium when recording data thereon rather than the medium structure. Did Applicant intend to recite that -- An information storage medium comprising: a wobbled groove along track; predetermined data recording units formed along the track for continuously recording data; a non-data portion  $\delta$  formed between the data recording units being adjacent along the track; wherein the non data portion  $\delta$  is configured to satisfy  $\delta \geq rf$ , where  $r$  is a wobble period of the wobble groove and  $f$  is an allowable rotation nonuniformity of the rotation of the storage medium --?

Claim 7 falls with its parent claim 18.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Reno (US 5,566,150).

Regarding claim 15, see Figs. 1 and 5b of Reno which disclose an information storage medium (optical disk) comprising: at least one pair of neighboring tracks (508); predetermined data recording units (512a, 512b) formed along a track on the information storage medium having a center of rotation; a non-data portion (592) formed between the data recording units (512a, 512b) along the track; and an angular position of the non-data portion formed on one of the neighboring tracks with respect to the center rotation is different from an angular position of the non-data portion formed on the other of the neighboring tracks with respect to the center rotation (see Fig. 5b).

Regarding claim 17, see the rejection applied to claim 15 above for the limitations related to the storage medium, and further see Fig. 1 of Reno which shows the use of an apparatus comprising: a motor (18) for rotating the information storage medium (12); and a device (22, 30, 56) configured to reproduce information (data on signal path 57) from the recording units provided on the medium (12) rotated by the motor (18).

4. Claims 12, 14, 15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Honda et al (6,266,318).

Regarding claim 15, see Figs. 1-12 of Honda et al which disclose an information storage medium (see Fig. 6) comprising: at least one pair of neighboring tracks ( $m \dots m+3$ ); predetermined data recording units (information recording areas set in even sync frames) formed along a track on the information storage medium having a center of rotation; a non-data portion (area having no information recording area) formed between the data recording units (see Fig. 6)

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along the track; and an angular position of the non-data portion formed on one of the neighboring tracks with respect to the center rotation is different from an angular position of the non-data portion formed on the other of the neighboring tracks with respect to the center rotation (see Figs. 5a-6 for details).

Regarding claim 12, see a recordable optical disk (10) which has non-data portion (area having no information recording area) formed between the data recording units (information recording areas set in even sync frames); and a mark (address information) which indicates a recording start position for the recording unit is pre-recorded by wobble modulation of the track (see wobble track in Fig. 1B and see Fig. 5A-5D for details of the address information).

Regarding claim 17, see the rejection applied to claim 15 above for the limitations related to the storage medium, and further see Fig. 11 of Honda et al which shows the use of an apparatus comprising: a motor (42) for rotating the information storage medium (10); and a device (22, 24-28, 48-52) configured to reproduce information from the recording units from the medium (10) rotated by the motor (42).

Regarding claim 14, see the rejection applied to claim 12.

***Allowable Subject Matter***

5. Claims 8, 9, 13, 16, 19 and 20 are allowed.
6. Claims 7 and 18 would be allowable if rewritten as suggested above or amended to overcome the objection to under 37 CFR 1.75(a), set forth in this Office action.
7. Claims 7, 8, 9, 13, 16, 18, 19 and 20 are allowable over the prior art of record because all references cited in the prior art of record, viewed as the closest prior art and considered in combination or individually, fails to suggest to fair teach a method of recording information on

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an information storage medium including all limitations as particularly recited in each of claims 16 and 19, or an information storage medium including a combination of all limitations as recited in claim 18, or apparatus for reproducing information from an information storage medium including a combination of all limitations as recited in claim 20. Claims 7, 8, 9, and 13 are allowable with their respective parent claim.


***Response to Arguments***

8. Applicant's arguments with respect to claimed invention have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (571) 272-7595. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Thang V. Tran  
Primary Examiner  
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